acids 10-25 and 75-88 of NGF linked by a disulfide bridge, which amount is effective to prevent further demyelination.

14. A method for suppressing further demyelination in a patient having an inflammatory disease of the optic nerve, comprising administering an effective amount of NGF or an active fragment of NGF selected from the group consisting of NGF 2.5S and NGF 7S.

17. A method for suppressing demyelination in a subject having an inflammatory disease of a nervous tissue, said method comprising administering an effective amount of NGF, an NGF analogue, or an active fragment of NGF, which analogue or fragment is selected from the group consisting of NGF 2.5S, NGF 7S, and an NGF fragment consisting ~~essentially~~ of amino acids 10-25 and 75-88 of NGF linked by a disulfide bridge, wherein said effective amount is sufficient to downregulate the production of interferon $\gamma$ by T cells infiltrating the central nervous system.

25. The method of claim 17, wherein said NGF is human NGF-$\beta$.

IN THE SPECIFICATION

At page 1, beginning at line 1, please replace the current paragraph with the following paragraph:

**CROSS-REFERENCE TO RELATED APPLICATIONS**

This is a continuation-in-part of USSN 09/529,369, filed on June 8, 2001 which is a 371 filing of PCT/EP98/02029, filed April 8, 1998, which claims priority to USSN 08/833,959, filed April 11, 1997, now abandoned, all of which are incorporated herein by reference in their entirety for all purposes.

REMARKS

Claims 1-28 are pending in the current application. Of the pending claims, claims 7-11, 16, and 26-28 are withdrawn from current consideration. In the present Office Action, the disclosure was objected to for incomplete priority data. In regard to the claims, claims 1-6 and 12-15 were provisionally rejected under 35 U.S.C. §101 for alleged double patenting over USSN 09/529,369. Additionally, claims 1-6, 12-15 and 17-25 were rejected under 35 U.S.C. §112, first paragraph as allegedly containing subject matter not described in the specification so as to enable

one skilled in the art to make and/or use the invention, while claims 1, 4-6, 12-13 and 17-23 were rejected for alleged lack of enablement. Claims 1-6 and 17-25 were rejected under 35 U.S.C. §112, second paragraph as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Furthermore, claims 3 and 25 were rejected as allegedly containing vague and indefinite language and claim 4 was rejected for alleged lack of proper antecedent basis. Finally, claims 1, 6, 12-15, and 17-25 were provisionally rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Diaz-Villoslada et al. (1996) or by Diaz-Villoslada et al. (1997).

Claims 1, 3, 4, 6, 12, 14, 17 and 25 are amended herein. No new material has been added through any of these changes and Applicants respectfully request entry of the amendments and withdrawal of the rejections. In regard to any rejections remaining after entry of the current amendments, Applicants respectfully traverse for the reasons stated below.

ELECTION/RESTRICTION

In order to comply with the Restriction Requirement made final, claims 7-11, 16 and 26-28 (i.e., Group II) are cancelled herein. However, please note that Applicants respectfully reserve the right of subsequent renewal of the claims in their original form. Cancellation of these claims is without prejudice. No intent to abandon any originally-claimed subject matter, or intent to acquiesce in any rejection of record should be inferred. Applicants expressly reserve the right to file one or more applications containing the cancelled claims. Elected claims herein, i.e., 1-6, 12-15 and 17-25, correspond to Group I. Applicants kindly note the Examiner's regrouping of Claim 6 with Group I.

OBJECTION TO THE SPECIFICATION

The current Office Action objects to the specification for informality arising from lack of proper continuity data. As helpfully pointed out by the Examiner, and as indicated, e.g., on the published PCT application, the current application can also draw priority to USSN 08/833,959, filed April 11, 1997. Thus, as per the Examiner's suggestion, the specification is amended herein (i.e., starting at page 1, line 1) to reflect the correct priority as well as to correct the filing date of USSN 09/529,369. A request for corrected filing receipt is also filed herewith.

A

DOUBLE PATENTING

Claims 1-6 and 12-15 were provisionally rejected in the Action under 35 U.S.C. §101 for statutory double patenting as claiming the same invention as claims 1-6 and 12-15 of co-pending application USSN 09/529,369. Applicants respectfully point out that claims 1-6 and 12-5 of USSN 09/529,369 have been withdrawn from consideration in that application (i.e., they were not elected for consideration). Thus, the provisional double patenting rejection of the current claims is moot and Applicants respectfully request that it be withdrawn.

35 U.S.C. §112, FIRST PARAGRAPH

The present Office Action rejected claims 1-6, 12-15 and 17-25 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter not described in the specification so as to enable one skilled in the art to make and/or use the invention. More specifically, the Office Action took issue with the use of the phrase "preventing demyelination" in claims 1-6 and 17-25 and the phrase "preventing further demyelination" in claims 12-15. The Office Action stated that in order to use the word "preventing," no demyelination at all could occur when NGF was administered. Office Action at page 4.

Applicants believe that the current wording is supported in the specification as filed and is, indeed, appropriate for the data presented and invention claimed. However, in order to further prosecution, Applicants herein amend claims 1, 12, 14 and 17 to remove the word "preventing". Claims 1, 12, 14 and 17 as amended claim a process or method for suppressing demyelination.

Support for use of "suppressing" is drawn from the definition of "suppress" in view of the data presented throughout the specification. For example, page 17, lines 6-10 and page 17, line 14 through page 18, line 4 (along with Tables 2 and 3 and Figure 4) show lessened demyelination in subjects treated with NGF as opposed to those not so treated. *See*, e.g., Table 3 comparing inflammation/demyelination of neural regions of rhNGF treated subjects and placebo treated subjects. Such data (and similar data throughout the application as filed) shows a suppression of demyelination, since a common meaning of "to suppress" is defined as "to inhibit the growth or development of." *See*, e.g., Merriam-Webster Online, www.m-w.com, at

"suppress." Such word choice clearly describes the action of NGF in terms of demyelination and describes the invention so as to enable one skilled in the art to make and/or use the invention.

Because the claims as amended describe the invention in a way that enables one skilled in the art to make and/or use the invention, Applicants respectfully request that the rejection be withdrawn.

Claims 1, 4-6, 12-13 and 17-23 also were rejected in the Office Action under 35 U.S.C. §112, first paragraph for allegedly not providing enablement for any "active" fragment or "analogue". Without agreeing to the Office Action's allegations, Applicants herein amend claims 1, 12 and 17 (and, thus, their dependents 4-6, 13 and 18-23 as well) to more clearly define active fragments/analogues of NGF. Support for the changes can be found, e.g., in the specification at page 3, lines 18-31 (i.e., the second full paragraph) as well as in originally filed claims 2 and 24 (which are cancelled herein due to redundancy with the amended claims). Applicants believe the amended claims to be enabled by the specification and, thus, request that the rejection be withdrawn.

35 U.S.C. §112, SECOND PARAGRAPH

Claims 1-6 and 17-25 were rejected in the current Office Action under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. More specifically, it was alleged that Claims 1 and 17 (and hence their dependents 2-6 and 18-25 as well) were incomplete in not including language directing use to "a person in need of therapy." Applicants amend in part and traverse in part.

In regard to Claims 1-6, Applicants herein amend Claim 1 to recite a process of suppressing demyelination in a human in need of such treatment. Support for such is replete throughout the application and also originally filed Claim 6. Claim 6 is also amended to eliminate redundancy with the changed wording of Claim 1. Because of such amendments, Applicants respectfully request that the rejection be withdrawn.

In regard to Claims 17-25, Applicants respectfully traverse. Claim 17 (and hence its dependent claims) already contains language indicating that the method is applied to "a subject having an inflammatory disease of a nervous tissue." As explained in the specification (*see*, e.g.,

page 5), the current invention can be used in treatment of conditions such as polyneuritis, etc. in order to suppress the occurrence of demyelination. For example, treatment of subjects showing, e.g., polyneuritis of the optic nerve can be treated to suppress demyelination. *See*, page 5. Also, as seen on pages 16-17 of Example 2, even though EAE induced in marmosets showed no clinical signs until 10-16 days after inducement, administration of NGF in accordance with the current invention at 7 days post inducement offered suppression of demyelination. Such illustration highlights a benefit of the invention in suppressing demyelination even before clinical signs of demyelination arise. Because, the specification shows use of the invention to suppress demyelination based on other clinical signs, etc. besides demyelination itself (e.g., polyneuritis), applicants believe that no further limitation in Claim 17 is needed and respectfully request withdrawal of the rejection.

The current Office Action also alleged that "recombinant" in Claims 3 and 25 is vague and indefinite. Applicants amend such claims herein, thus, obviating any alleged vagueness or indefiniteness, and request that the rejections be withdrawn.

Furthermore, the Office Action rejected Claim 4 as lacking proper antecedent basis for use of the phrase "further comprising." Applicants herein amend Claim 4, thus, correcting the lack of antecedent basis. Therefore, Applicants respectfully request that the rejection be withdrawn.

35 U.S.C. §102(b)

Claims 1, 6, 12-15 and 17-25 were provisionally rejected in the current Office Action as allegedly being anticipated by Diaz-Villoslada et al. (1996) or by Diaz-Villoslada et al. (1997). As helpfully noted by the Examiner, the references cited contain authors in common with the present application. As detailed above, the benefit of priority to USSN 08/833,959 is now more clearly claimed in the present application. Thus, the declaration filed in USSN 08/833,959 which explains the respective inventive roles of the listed authors and inventors is properly transferred to the current matter, thereby obviating rejections based upon Diaz-Villoslada (1996) and Diaz-Villoslada (1997). A copy of the prior filed declaration is enclosed herewith.

## CONCLUSION

The current Amendments present no new matter. Applicants believe that the amendments to the claims herein render the rejections and objections presented in the Office Action moot and respectfully request that such rejections and objections be withdrawn.

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

**In the event that any issues of substance are perceived to remain, Applicants request that the Examiner contact the undersigned at 510-337-7871 to arrange for a telephonic interview, prior to preparation of any additional Office Action.**

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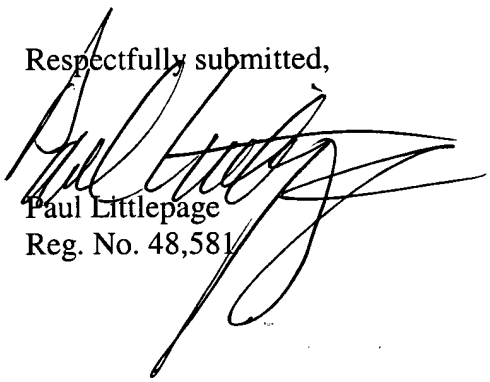
Respectfully submitted,



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